UNITED NATIONS

E/NL. 1987/81-87
5 July 1990
ENGLISH ONLY

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

MALTA

Communicated by the Government of Malta

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

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E/NL.1987/81

ACT No. VIII of 1986

[L.S.]

AN ACT further to amend the Dangerous Drugs Ordinance, Cap. 161.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Dangerous Drugs (Amendment) Act, 1986, and shall be read and construed as one with the Dangerous Drugs Ordinance, hereinafter referred to as "the principal law".

Amendment of section 22 of the principal law.

2. Section 22 of the principal law shall be amended as follows:

(a) in subsection (1) thereof:

(i) for the words "against this Ordinance," in paragraph (d) thereof there shall be substituted the words "against this Ordinance; or"; and

(ii) for the words "shall be guilty of an offence against this Ordinance." there shall be substituted the following:

"(e) being a citizen of Malta or a permanent resident in Malta, who in any place outside these Islands does any act which if committed in these Islands would constitute an offence of selling or dealing in a drug against this Ordinance or an offence under paragraph (f) of this subsection; or

(f) who with another one or more persons in these Islands or outside these Islands conspires for the purposes of selling or dealing in a drug in these Islands against the provisions of this Ordinance or who promotes, constitutes, organizes or finances the conspiracy.

shall be guilty of an offence against this Ordinance.

For the purposes of paragraph (e) of this subsection the expression 'permanent resident' means a person in favour of whom a permit of residence has been issued in accordance with the provisions contained in section 7 of the Immigration Act, 1970.

(1A) The conspiracy referred to in paragraph (f) of the preceding subsection shall subsist from the moment in which any mode of action whatsoever is planned or agreed upon between such persons.

(1B) For the purposes of this Ordinance the word "dealing" includes importation, manufacture, exportation and distribution";

(b) in subsection (2) thereof:

(i) for paragraph (a) thereof there shall be substituted the following:

"(a) on conviction by the Criminal Court:

(i) where the offence consists in selling or dealing in a drug contrary to the provisions of this Ordinance, or in promoting, constituting, organizing or financing a conspiracy under paragraph (f) of subsection (1) of this section, to imprisonment for a term of not less than four years but not exceeding twenty years and to a fine (multa) of not less than one thousand Maltese liri but not exceeding fifty thousand Maltese liri; and

(ii) for any other offence to imprisonment for a term of not less than twelve months but not exceeding ten years and to a fine (multa) of not less than two hundred Maltese liri, but not exceeding ten thousand Maltese liri; or";

(ii) for subparagraphs (i) and (ii) of paragraph (b) thereof there shall be substituted the following:

"(b) on conviction by the Court of Magistrates:

(i) in the case of a conviction for an offence under paragraph (b), (c) or (e) of section 8, or a conviction for an offence consisting in selling or dealing in any other drug contrary to the provisions of this Ordinance, or a conviction for an offence of promoting, constituting, organizing or financing of a conspiracy under paragraph (f) of subsection (1) of this section, to imprisonment for a term of not less than six months but not exceeding five years and to a fine (multa) of not less than two hundred Maltese liri but not exceeding two thousand Maltese liri; and

(ii) for any other offence, in the case of conviction, to a fine (multa) of not less than two hundred Maltese liri but not exceeding one thousand Maltese liri or to imprisonment for a term of not less than three months but not exceeding twelve months, or to both such fine and imprisonment";

(c) immediately after subsection (3) thereof there shall be added the following new subsection:

"(3A) Where an offence against this Ordinance in respect of which a person has been found guilty consists in or refers to the selling or dealing in a drug, or consists in the promotion, constitution, organization or financing of a conspiracy under paragraph (f) of subsection (1) of this section, the Court shall, at the request of the prosecution, in addition to any other punishment:

(a) where any immovable property has been used for the keeping or storing, or for the selling or dealing in such drug, as described in the bill of indictment or in the charge, order the forfeiture in favour of the Government of any real title which the offender holds on such immovable property;

(b) where the offender is not the absolute owner but holds any other real title on the immovable property, or has a title, other than a real title, in virtue of which he has the control of or a right of access to such property, the Court shall order the offender to pay a fine (multa) of not less than five thousand Maltese liri but not exceeding thirty thousand Maltese liri as the Court shall determine after taking into account the value of the immovable property and the value of the real title thereon, if any, forfeited as aforesaid;

(c) saving the provisions of the Criminal Code and of the Customs Ordinance, make an order whereby the provisions of paragraphs (a) and (b) of this subsection shall be applied mutatis mutandis to or in respect of any vessel or vehicle used for the keeping or storing, or for the selling or dealing in such drug; and

(d) order the forfeiture in favour of the Government of all moneys or other movable property, and of the entire immovable property of the person so found guilty even if the immovable property has since the offender was charged passed into the hands of third parties"; and

(d) in subsection (7) thereof for the words "mentioned in subsection (3)" there shall be substituted the words "mentioned in subsections (3) and (3A)".

Addition of new sections to the principal law.

3. Immediately after section 22 of the principal law there shall be added the following new sections:

Freezing of property of person accused.

"22A. (1) Where a person is charged under section 22 of this Ordinance with selling or dealing in a drug, or with promoting, constituting, organizing or financing a conspiracy under paragraph (f) of subsection (1) of that section, the Court shall at the request of the prosecution make an order:

(a) attaching in the hands of third parties in general all moneys and other movable property due or pertaining or belonging to the accused, and

(b) prohibiting the accused from transferring or otherwise disposing of any movable or immovable property:

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Provided that the Court shall in such an order determine what moneys may be paid to or received by the accused during the subsistence of such order, specifying the sources, manner and other modalities of payment, including salary, wages, pension and social security benefits payable to the accused, to allow him and his family a decent living in the amount, where the means permit, of six thousand Maltese liri every year:

Provided further that the Court may also:

(a) authorize the payment of debts which are due by the accused to bona fide creditors and which were contracted before such order was made, and

(b) on good ground authorize the accused to transfer movable or immovable property.

(2) Such order shall:

(a) become operative and binding on all third parties immediately it is made, and the Registrar of the Court shall cause a notice thereof to be published without delay in the Gazette, and shall also cause a copy thereof to be registered in the Public Registry in respect of immovable property, and

(b) remain in force until the final determination of the proceedings, and in the case of a conviction until the sentence has been executed.

(3) The Court may for particular circumstances vary such order, and the provisions of the foregoing subsections shall apply to such order as so varied.

(4) Every such order shall contain the name and surname of the accused, his profession, trade or other status, father's name, mother's name and maiden surname, place of birth and place of residence and his Identity Card Number.

(5) Where any money is or becomes due to the accused from any person while such order is in force such money shall, unless otherwise directed in that order, be deposited in a bank to the credit of the accused.

(6) When such order ceases to be in force as provided in paragraph (b) of subsection (2) of this section the Registrar of the Court shall cause a notice to that effect to be published in the Gazette, and shall enter in the Public Registry a note of cancellation of the registration of that order.

Penalty for contravening Court order.

22B. Any person who acts in contravention of a court order mentioned in section 22A of this Ordinance shall be guilty of an offence and shall on conviction be liable to a fine (ammenda) not exceeding five hundred Maltese liri, and the Court may order the person so guilty to deposit in a bank to the credit of the accused the amount of moneys or the value of other movable property paid or delivered in contravention of that court order.

Special Court proceedings.

22C. (1) Where an order of forfeiture is made under paragraph (d) of subsection (3A) of section 22 of this Ordinance, the person found guilty, or the third party therein mentioned, may bring an action for a declaration that any or all of the movable or immovable property so forfeited is not profits or proceeds from the commission of the offence nor property acquired or obtained, directly or indirectly, by or through any such profits or proceeds.

(2) Such action shall be brought not later than three months from the date on which the sentence ordering the forfeiture shall have become definite, by an application in the Civil Court, First Hall.

(3) The applicant shall attach to the application all such documents in support of his claim as it may be in his power to produce and shall indicate in his application the names of all the witnesses he intends to produce, stating in respect of each the proof which he intends to make.

(4) The Court shall, without delay, set down the application for hearing at an early date, which date shall in no case be later than thirty days from the date of the filing of the application.

(5) The application and the notice of the date fixed for hearing shall be served on the Commissioner of Police without delay, and the said Commissioner shall file his reply thereto within fifteen days after the date of the service of the application.

(6) The Court shall hear the application to a conclusion within twenty working days from the date fixed for the original hearing of the application, and no adjournment shall be granted except either with the consent of both parties or for an exceptional reason to be recorded by the Court, and such adjourned date shall not be later than that justified by any such reason.

22B. Any person who acts in contravention of a court order mentioned in section 22A of this Ordinance shall be guilty of an offence and shall on conviction be liable to a fine (ammenda) not exceeding five hundred Maltese liri, and the Court may order the person so found guilty to deposit in a bank to the credit of the accused the amount of moneys or the value of other movable property paid or delivered in contravention of that court order. Penalty for contravening Court order.

22C. (1) Where an order of forfeiture is made under paragraph (d) of subsection (3A) of section 22 of this Ordinance, the person found guilty, or the third party therein mentioned, may bring an action for a declaration that any or all of the movable or immovable property so forfeited is not profits or proceeds from the commission of the offence nor property acquired or obtained, directly or indirectly, by or through any such profits or proceeds. Special Court proceedings.

(2) Such action shall be brought not later than three months from the date on which the sentence ordering the forfeiture shall have become definite, by an application in the Civil Court, First Hall.

(3) The applicant shall attach to the application all such documents in support of his claim as it may be in his power to produce and shall indicate in his application the names of all the witnesses he intends to produce, stating in respect of each the proof which he intends to make.

(4) The Court shall, without delay, set down the application for hearing at an early date, which date shall in no case be later than thirty days from the date of the filing of the application.

(5) The application and the notice of the date fixed for hearing shall be served on the Commissioner of Police without delay, and the said Commissioner shall file his reply thereto within fifteen days after the date of the service of the application.

(6) The Court shall hear the application to a conclusion within twenty working days from the date fixed for the original hearing of the application, and no adjournment shall be granted except either with the consent of both parties or for an exceptional reason to be recorded by the Court, and such adjourned date shall not be later than that justified by any such reason.

(7) Saving the preceding provisions of this section, the provisions of the Code of Organization and Civil Procedure relating to proceedings before the Civil Court, First Hall, shall apply in relation to any such application.

(8) Any judgement revoking the forfeiture of immovable property shall be deemed to transfer the title of such property back from the Government to the party in favour of whom it is given, and such party may obtain the registration of such transfer in the Public Registry.

22D. When the Court allows the demand for a declaration as provided in subsection (1) of section 22C in respect of any property forfeited, such property shall cease to be forfeited and shall revert to the applicant in virtue of the judgement upon its becoming definite, and the applicant shall thereupon be entitled to the recovery of the income received by the Government from such property during the period of its forfeiture." Reversion of of property ceasing to be forfeited.

4. Immediately after section 22D of the principal law there shall be added the following new section: Addition of new section to the principal law.

"22E. (1) At the commencement of proceedings under section 22 of this Ordinance, the drug in respect of which a person is charged shall be exhibited materially in Court, as far as possible, and the following procedure shall be followed. Destruction of drugs after drawing up a procès-verbal.

(2) The Court shall appoint a photographic expert to take pictures, as shall be indicated by the Court, of the drug in its containers, wrappings, packages or receptacles, and shall also appoint an expert to analyse and establish the exact quantity, kind and form and give the most accurate description of the drug,

(3) The experts shall, as early as possible, file in Court and confirm on oath a written report of their findings, together with the photographs and samples aforementioned.

(4) The Court, upon being satisfied with such report or reports shall proceed to have the drug, other than the samples, destroyed under its supervision and draw up a procès-verbal.

(5) The procès-verbal shall be deemed to have been regularly drawn up if it contains a short description of the drug, the experts' report or reports are attached thereto and it is signed by the Court.

(6) The procès-verbal drawn up as aforesaid shall be evidence of its contents in any criminal proceedings."

Addition of new sections to the principal law.

5. Immediately after section 26 of the principal law there shall be added the following new sections:

"Detention during inquiry.

27. Notwithstanding the provisions of the Criminal Code, and saving the extensions by the President of the term of the inquiry as provided in subsection (1) of section 413 of that Code, where the Attorney-General has directed that a person charged with selling or dealing in a drug against this Ordinance or charged with promoting, constituting, organizing or financing a conspiracy under paragraph (f) of subsection (1) of section 22 is to be tried in the Criminal Court, such person shall be arraigned under arrest and the Court of Judicial Police as a Court of Criminal Inquiry shall conclude the inquiry within the term of twenty days from the arraignment, and until the expiration of that term or, if the inquiry is concluded at an earlier date, until such day, the person accused shall not be granted temporary release from custody, but at the end of those twenty days or such earlier date as aforesaid, the Court may grant temporary release from custody in accordance with the provisions of that Code.

Pecuniary penalty recoverable as a civil debt.

28. (1) On a conviction for an offence against this Ordinance, the pecuniary penalty shall, at the request of the prosecution, be deemed to be a civil debt and shall be declared by the competent Court in passing judgement as being so owed and payable to Government and shall be executable in the same court pronouncing judgement in the same manner as if it had been given in a civil action duly instituted between the Government and the persons convicted.

(2) Where however the prosecution informs the competent Court that the pecuniary penalty has not been recovered by the Government as provided for in the preceding subsection, such penalty or any part thereof not recovered, shall be treated as a fine (multa or ammenda) as inflicted by the Court and shall be converted into imprisonment, without the benefit of time for payment, in accordance with the provisions of the Criminal Code.

Diminution of punishment.

29. Where in respect of a person found guilty of an offence against this Ordinance, the prosecution declares in the records of the proceedings that such person has helped the Police to apprehend the person or persons who supplied him with the drug, or person found guilty as aforesaid proves to the satisfaction of the Court that he has so helped the Police, the punishment shall be diminished, as regards imprisonment by one or two degrees, and as regards any pecuniary penalty by one-third or one-half.

Evidence by accomplice.

30. Notwithstanding the provisions of subsection (3) of section 635 of the Criminal Code where a person has purchased or otherwise obtained or acquired a drug contrary to the provisions of this Ordinance, the evidence of such person in proceedings against the person from whom he shall have purchased, obtained or acquired the drug, shall not require to be corraborated by other circumstances.

31. Notwithstanding that the Attorney-General has directed in accordance with the provisions of subsection (2) of section 22 of this Ordinance, that a person be tried in the Criminal Court, he may, at any time before the filing of the bill of indictment, direct that that person be tried before the Court of Magistrates of Judicial Police, and upon such direction the Court of Magistrates of Judicial Police as a Court of Criminal Judicature shall become competent to try that person as if no previous direction had been given. — Direction for trial by the Court of Judicial Police as a Court of Criminal Judicature.

32. Notwithstanding the provisions of section 382 of the Criminal Code and without prejudiceto the provisions of section 31 of this Ordinance, the Court of Magistrates of Judicial Police shall be competent to try all offences against this Ordinance as directed by the Attorney-General in accordance with the provisions of subsection (2) of section 22 of this Ordinance." — Offences cognizable by the Court of Judicial Police as a Court of Criminal Judicature.

6. Immediately after section 32 of the principal law there shall be added the following new section: — Addition of new section 33 to the principal law.

"33. Notwithstanding the provisions of the Criminal Code, the Attorney-General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given by the Court of Magistrates of Judicial Police in respect of criminal proceedings arising out of the provisions of this Ordinance." — Right of appeal.

7. (1) The provisions of section 30 of the principal law shall apply to any proceedings which on the day of the coming into force of this Act are pending before any Court. — Savings.

(2) The provisions of section 31 of the principal law shall apply to any pending proceedings in respect of which a bill of indictment has not yet been filed by the Attorney-General on the day of the coming into force of this Act.

Passed by the House of Representatives at Sitting No. 331 of the 17th March, 1986.

E/NL.1987/82

ACT No. XVII of 1986

AN ACT further to amend the Medical and Kindred Professions Ordinance, Cap. 51.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Medical and Kindred Professions (Amendment) Act, 1986, and shall be read and construed as one with the Medical and Kindred Professions Ordinance, hereinafter referred to as "the principal law". — Short title.

2. In the proviso to subsection (4) of section 10 of the principal law, for the words "of section 35A" there shall be substituted the words "of section 35B". — Amendment of section 10 of the principal law.

3. Section 89A of the principal law shall be amended as follows: — Amendment of section 89A of the principal law.

(a) in subsection (1) thereof:

(i) in paragraph (d) thereof for the words "against any such regulations," there shall be substituted the words "against any such regulations; or"; and

(ii) for the words "shall be guilty of an offence against this section," there shall be substituted the following:

"(e) being a citizen of Malta or a permanent resident in Malta, who in any place outside these Islands does any act which if committed in these Islands would constitute an offence of selling or dealing in a drug against this section or an offence under paragraph (f) of this subsection; or

(f) who with another one or more persons in these Islands or outside these Islands conspires for the purposes of selling or dealing in a drug in these Islands against the provisions of this section or who promotes, constitutes, organizes or finances the conspiracy,

shall be guilty of an offence against this section.

For the purposes of paragraph (e) of this subsection the expression 'permanent resident' means a person in favour of whom a permit of residence has been issued in accordance with the provisions contained in section 7 of the Immigration Act, 1970.

(1A) The conspiracy referred to in paragraph (f) of the preceding subsection shall subsist from the moment in which any mode of action whatsoever is planned or agreed upon between such persons.

(1B) For the purposes of this section the word 'dealing' includes 'importation, manufacture, exportation and distribution'.";

(b) in subsection (2) thereof:

(i) for paragraph (a) thereof there shall be substituted the following:

"(a) on conviction by the Criminal Court:

(i) where the offence consists in selling or dealing in a drug listed under Part I of the Third Schedule to this Ordinance contrary to the provisions of this section, or in promoting, constituting, organizing or financing a conspiracy under paragraph (f) of subsection (1) of this section in respect of such drug, to imprisonment for a term of not less than four years but not exceeding twenty years and to a fine (multa) of not less than one thousand Maltese liri but not exceeding fifty thousand Maltese liri; and

(ii) for any other offence to imprisonment for a term of not less than twelve months but not exceeding ten years and to a fine (multa) of not less than two hundred Maltese liri, but not exceeding ten thousand Maltese liri; or";

(ii) for subparagraphs (i) and (ii) of paragraph (b) thereof there shall be substituted the following:

"(i) in the case of a conviction for an offence consisting in selling or dealing in any drug, listed under Part I of the Third Schedule to this Ordinance, or a conviction for an offence of promoting, constituting, organizing or financing of a conspiracy under paragraph (f) of subsection (1) of this section in respect of such drug, to imprisonment for a term of not less than six months but not exceeding five years and to a fine (multa) of not less than two hundred Maltese liri but not exceeding two thousand Maltese liri; and

(ii) for any other offence, in the case of conviction, to a fine (multa)f of not less than one hundred Maltese liri but not exceeding one thousand Maltese liri or to imprisonment for a term of not less than three months but not exceeding twelve months, or to both such fine and imprisonment.";

(c) immediately after subsection (2) thereof there shall be added the following new subsections:

"(2A) Where a person is charged under the provisions of this section with selling or dealing in a drug listed under Part I of the Third Schedule to this Ordinance, or with promoting, constituting, organizing or financing a conspiracy under paragraph (f) of subsection (1) of this section in respect of such drug, the provisions of sections 22A, 22B, 22E, 27 and 30 of the Dangerous Drugs Ordinance shall apply.

(2B) Where an offence against this section in respect of which a person has been found guilty consists in an offence mentioned in subsection (2A) of this section the provisions of subsections (3A) and (7) of section 22 and the provisions of sections 22C, 22D, 28 and 29 of the Dangerous Drugs Ordinance shall apply.

(2C) Notwithstanding that the Attorney-General has directed in accordance with the provisions of subsection (2) of this section, that a person be tried in the Criminal Court, he may, at any time before the filing of the bill of indictment, direct that that person be tried before the Court of Magistrates of Judicial Police, and upon such direction the Court of Magistrates of Judicial Police as a Court of Criminal Judicature shall become competent to try that person as if no previous direction had been given.

(2D) Notwithstanding the provisions of section 382 of the Criminal Code and without prejudice to the provisions of the subsection (2C) of this section, the Court of Magistrates of Judicial Police shall be competent to try all offences against this section as directed by the Attorney-General in accordance with the provisions of subsection (2) of this section."

4. Immediately after section 95 of the principal law there shall be added the following new section: — Addition of new section 96 to the principal law.

"96. Notwithstanding the provisions of the Criminal Code, the Attorney-General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given by the Court of Magistrates of Judicial Police in respect of criminal proceedings arising out of the provisions of section 89A of this Ordinance." — Right of appeal.

5. The Third Schedule to the principal law shall be amended as follows: — Amendment of Third Schedule to the principal law.

(a) immediately after the heading "LIST OF PSYCHOTROPIC DRUGS" there shall be inserted the sub-heading "Part I"; and

(b) immediately after the words "and any derivatives, salts or esters of the above", there shall be inserted the following:

"Part II".

C. MIFSUD
Clerk to the House of Representatives

DANIEL MICALLEF
Speaker

E/NL.1987/83

L.N. 13 of 1986

MEDICAL AND KINDRED PROFESSIONS ORDINANCE

(CAP. 51)

Drugs (Registration of Addicts) Regulations, 1986

IN exercise of the powers conferred by section 35A of the Medical and Kindred Professions Ordinance, the Minister of Health, on the advice of the Council of Health, has made the following regulations:

1. These regulations may be cited as the Drugs (Registration of Addicts) Regulations 1986. — Citation.

2. In these regulations, unless the context otherwise requires: — Interpretation.

"drug" means a drug or chemical listed in the Third Schedule to the Medical and Kindred Professions Ordinance and any drug to which the Dangerous Drugs Ordinance refers;

"practitioner" means a medical practitioner, dental surgeon or dentist; — Cap. 161.

"Superintendent" means the Superintendent of Public Health.

Notification and registration of addicts.

3. (1) It shall be the duty of every practitioner to inform the Superintendent, on the form prescribed in the Schedule 3/ to these regulations, of every patient under his care, who in his opinion is suffering from any form of addiction to or dependence on a drug.

(2) It shall be the duty of the Superintendent to keep a register, to be called the Register of Addicts, in which are entered the name, and other particulars referred to in the Schedule, of every patient as is notified under paragraph (1) of this regulation.

(3) No practitioner may prescribe any drug to any such patient unless he has first notified the Superintendent as provided for in paragraph (1) of this regulation.

E/NL.1987/84

L.N. 34 of 1986

MEDICAL AND KINDRED PROFESSIONS ORDINANCE

(CAP. 51)

Psychotropic Drugs Regulations, 1986

IN exercise of the powers conferred by section 35B (3) of the Medical and Kindred Professions Ordinance, the Minister of Health, after consulting the Council of Health, has made the following regulations:

Citation.

1. These regulations may be cited as the Psychotropic Drugs Regulations, 1986.

Amends the Third Schedule to Medical and Kindred Professions Ordinance.

2. The Third Schedule to the Medical and Kindred Professions Ordinance shall be amended as follows:

(a) immediately after item "DMT" there shall be inserted the item: "DOB"; 1/ and

(b) immediately after item "(+) LYSERGIDE, LSD, LSD-25" there shall be inserted the item: "MDA". 2/

E/NL.1987/85

L.N. 64 of 1986

DANGEROUS DRUGS ORDINANCE

(CAP. 161)

Dangerous Drugs (Internal Control) (Amendment) Rules, 1986

IN exercise of the powers conferred by section 9 of the Dangerous Drugs Ordinance, the Minister of Health on the advice of the Council of Health, has made the following rules:

Citation and commencement G.N. 292 of 1939.

1. (1) These rules may be cited as the Dangerous Drugs (Internal Control) (Amendment) Rules, 1986, and shall be read and construed as one with the Dangerous Drugs (Internal Control) Rules, 1939, hereinafter referred to as "the principal rules".

(2) These rules shall come into force on the 1st February, 1987.

Control Card.

2. Immediately after rule 7 of the principal rules there shall be added the following new rule:

"7A. (1) Without prejudice to the provisions of rule 6 of these rules,

(a) no medical practitioner may prescribe any drug to any person unless such person is in possession of a Control Card, as per Fourth Schedule to these rules, issued for the purpose by the Superintendent of Public Health;

(b) in prescribing any specified drug to any person, the prescriber shall enter in a clear, indelible and legible manner all the details set out in columns 1 to 4 of the Control Card, and shall then return the card to such person together with the prescription.

(2) The Superintendent of Public Health shall issue such Control Card to the person concerned on receipt of a request, from a medical practitioner to this effect, made on the form as set out in the Fifth Schedule to these rules.

(3) No Control Card shall be valid in excess of a period of one year from the date on which it is issued, unless it is renewed by the Superintendent of Public Health following a request by a medical practitioner to this effect, on the form set out in the Fifth Schedule to these rules.

(4) No apothecary shall dispense any drug to any person who is not in possession of a Control Card as set out in paragraph (1) of this rule.

(5) On dispensing a drug, the apothecary shall, in addition to other duties laid down by these rules or by any law, enter in a clear, indelible and legible manner all the details set out in columns 5 to 8 on the Card, and shall then return the Card to the person presenting the prescription.

(6) (i) Notwithstanding the provisions of this rule, it shall be lawful for a medical practitioner to prescribe in urgent cases a drug to a patient who is not in possession of a Control Card provided that:

(1) the prescription is labelled 'URGENT';

(2) the amount prescribed does not exceed three days supply;

(3) it complies with other requirements of these rules; and

(4) the prescriber notifies the Superintendent of Public Health within 48 hours of issuing such prescription, giving full particulars of the patient, the name, form and dose and amount of drug prescribed and reasons for the urgency.

(ii) It shall be lawful for an apothecary to dispense such a prescription complying with items (1), (2) and (3) of subparagraph (i) of this paragraph.

(7) The provisions of this rule shall not apply to the prescription of a drug by a medical practitioner employed in a Government hospital, for administration to ward patients at that time under his care in such hospital, which prescription shall be controlled by hospital internal rules.

(8) Any request or notification in terms of this rule may be made in person or sent by post in a sealed envelope addressed to the Superintendent of Public Health, Department of Health, Valletta, and marked 'Public Health Notification - Confidential' for the purpose of exemption from postage.

(9) For the purpose of this rule; the expression 'medical practitioner' includes a dental surgeon and a dentist but does not include a veterinary surgeon."

3. Immediately after the end of the Third Schedule to the principal rules there shall be added the following: — Addition of Fourth and Fifth Schedules to the principal rules.

Fourth Schedule: 3/ Control Card for narcotic/psychotropic substances.

[...]

Fifth Schedule: 3/ Request for the issue/renewal of a control card for narcotic and psychotropic drugs.

[...]

E/NL.1987/86

L.N. 65 of 1986

MEDICAL AND KINDRED PROFESSIONS ORDINANCE

(CAP. 51)

Drugs (Control) (Amendment) Regulations, 1986

IN exercise of the powers conferred by section 35B of the Medical and Kindred Professions Ordinance, the Minister of Health on the advice of the Council of Health, has made the following regulations:

1. (1) These regulations may be cited as the Drugs (Control) (Amendment) Regulations, 1986, and shall be read and construed as one with the Drugs (Control) Regulations, 1985, hereinafter referred to as "the principal regulations". 2/ — Citation and commencement L.N. 22 of 1985.

(2) These regulations shall come into force on the 1st February, 1987.

Addition of new regulation 8 to the principal regulations.

2. Immediately after regulation 8 of the principal regulations there shall be added the following new regulation:

"Control card.

8A. (1) Without prejudice to the provisions of regulation 7 of these regulations,

(a) no medical practitioner may prescribe any specified drug to any person unless such person is in possession of a Control Card, as per Ninth Schedule to these regulations, issued for the purpose by the Superintendent of Public Health;

(b) in prescribing any specified drug to any person, the prescriber shall enter in a clear, indelible and legible manner all the details set out in columns 1 to 4 of the Control Card, and shall then return the card to such person together with the prescription.

(2) The Superintendent shall issue such Control Card to the person concerned on receipt of request, from a medical practitioner to this effect, made on the form as set out in the Tenth Schedule to these regulations.

(3) No Control Card shall be valid in excess of a period of one year from the date on which it is issued, unless it is renewed by the Superintendent following a request by a medical practitioner to this effect, on the form set out in the Tenth Schedule to these regulations.

(4) No apothecary shall dispense any specified drug to any person who is not in possession of a Control Card as set out in paragraph (1) of this regulation.

(5) On dispensing a specified drug the apothecary shall, in addition to other duties laid down by these regulations or by any law, enter in a clear, indelible and legible manner all the details set out in columns 5 to 8 on the card, and shall then return the card to the person presenting the prescription.

(6) (i) Notwithstanding the provisions of this regulation, it shall be lawful for a medical practitioner to prescribe in urgent cases a drug to a patient who is not in possession of a Control Card provided that:

(1) the prescription is labelled 'URGENT';

(2) the amount prescribed does not exceed three days supply;

(3) it complies with other requirements of these regulations; and

(4) the prescriber notifies the Superintendent within 48 hours of issuing such prescription, giving full particulars of the patient, the name, form, dose and amount of drug prescribed, and the reason for the urgency.

(ii) It shall be lawful for an apothecary to dispense such a prescription complying with items (1), (2) and (3) of subparagraph (i) of this paragraph.

(7) The provisions of this regulation shall not apply to the prescription of specified drugs by a medical practitioner employed in a Government hospital, for administration to ward patients at that time under his care in such hospital, which prescription shall be controlled by hospital internal rules.

(8) Any request or notification in terms of this regulation may be made in person or sent by post in a sealed envelope addressed to the Superintendent of Public Health, Department of Health, Valletta, and marked 'Public Health Notification - Confidential' for the purpose of exemption from postage.

(9) For the purpose of this regulation, the expression 'medical practitioner' includes a dental surgeon and a dentist."

3. Immediately after the end of the Eighth Schedule to the principal regulations there shall be added the following: — Addition of Ninth and Tenth Schedules to the principal regulations.

Fourth Schedule: 3/ Control card for narcotic/psychotropic drugs.

[...]

Fifth Schedule: 3/ Request for the issue/renewal of a control card for narcotic and psychotropic substances.

[...]

E/NL.1987/87

L.N. 26 of 1987

MEDICAL AND KINDRED PROFESSIONS ORDINANCE

(CAP. 51)

Drugs (Control) (Amendment) Regulations, 1987

IN exercise of the powers conferred by section 35B of the Medical and Kindred Professions Ordinance, the Minister of Health, on the advice of the Council of Health, has made the following regulations:

1. These regulations may be cited as the Drugs (Control) (Amendment) Regulations, 1987 and shall be read and construed as one with the Drugs (Control) Regulations, 1985, hereinafter referred to as "the principal regulations". 2/ — Citation. L.N. 22 of 1985.

2. The Second Schedule to the principal regulations shall be amended as follows: — Amends Second Schedule to the principal regulations.

(a) immediately before the item "AMFERPRAMONE, DIETHYLPROPION" there shall be inserted the following item:

International or other non-proprietary name or other trivial name	Chemical name 1/
"ALLOBARBITAL"	

(b) for the item "BENZPHETAMINE" there shall be substituted the following items:

International or other non-proprietary name or other trivial name	Chemical name 1/
"BENZPHETAMINE	
BUTALBITAL	
BUTOBARBITAL"	

(c) immediately after the item "PHENOBARBITAL" there shall be inserted the following item:

International or other non-proprietary name or other trivial name	Chemical name 1/
"SECBUTABARBITAL"	

and

(d) immediately after the "SPA" there shall be inserted the following item:

International or other non-proprietary name or other trivial name	Chemical name 1/
"VINYLBITAL"	